

## IV. RECOMMENDED ACTIONS

The policies listed in the previous chapter point the way to achieving over time the task force's vision for the study area. However, there are issues, suggestions and opportunities which the task force believes require decision and action now and in the near term

The task force compiled a comprehensive list of decisions and actions which are currently pending or are likely to arise during the next five years. These decisions and actions were evaluated against the recommended policies and the vision and a task force recommendation for each was developed.

The task force recommends the following actions as essential to its vision for the study area and urges their implementation:

### 1.0 NORTHSIDE PARKLANDS.

Both in its historical development and its current use this portion of the study area has been a recreational area. The following recommendations are intended to reinforce and advance it as a recreational resource.

- 1.1 County Plan. The task force endorses the recommendations contained in the report "Milwaukee County Lakefront Park System: North Harbor-McKinley-Lake Park Sites, Master Plan Concepts," dated November 1989, as they apply to County owned and operated facilities and sites in this portion of the study area.

*Comment:* In addition, the report has been a useful resource for recommendations affecting City owned and operated facilities that fell within the County's study area. The report's recommendations for City owned and operated facilities and sites are not endorsed as stated in the county's report: a) to allow some recommendations to receive additional emphasis and explicit endorsement in this report, and b) to allow modification and expansion of other recommendations based on the deliberations of the task force.

- 1.2 Linnwood Water Purification Plant and vicinity. The Linnwood plant is currently fenced around its entire perimeter and, being set immediately against the foot of the bluff, presents a barrier to public access to the park lands to the north. Public access to the County beach north of the plant site should be provided and the Water Works and Milwaukee County should undertake a study to design and estimate the cost of the improvements needed to accomplish this. The study should include consideration of all possible funding sources for the improvements including water-rate derived income. The Water Works should follow the lead of other utilities, notably WEPCO, which allow and support recreational use of their lands. (This study could be combined with the studies recommended in 1.4 and 4.3 below.)

*Comment:* The Water Works has jointly developed recreational facilities at other sites in the city, notably the Kilbourn Reservoir on East North Avenue between North Booth and North Bremen Streets and Riverside Pumping Station on East Chambers Street between the Milwaukee River and Humboldt Boulevard. This recommendation urges that a similar treatment of its most significant lakefront facility be investigated.

- 1.3 **Picnic Point.** Milwaukee County should develop provisions for fishing on the proposed improvements to Picnic Point. (See also recommendation 5.3.)
- 1.4 **Temporary Parking.** Milwaukee County has requested that the Water Works permit a portion of the lawn surrounding the Northpoint Pumping Station to be used for overflow parking for events such as Maritime Days and the Circus Parade. The Water Works should seriously review this request. However it should explicitly consider two related questions in its review: a) whether a temporary parking lot runs counter to Policy 1.9 in the previous chapter which calls for minimizing lakefront parking and providing access via shuttle buses and satellite parking lots, and b) whether the land would be better used for a recreational facility, such as a soccer field.
- 1.5 **Roundhouse/Yacht Club Area.** North-south pedestrian access and visual access to the water are very poor in this area. The task force endorses the County study's recommendations for this area and encourages the County and Yacht Club to work collaboratively on access improvements.
- 1.6 **Coast Guard Station Reuse.** The former U.S. Coast Guard Station at 1600 North Lincoln Memorial Drive, built in 1915-16 and listed on the National Register of Historic Places because of its architectural and historic significance, has been vacant since 1980. Since then, the condition of the boarded-up building has deteriorated and the building has become a blighting influence, discouraging public use of the area around it. Milwaukee County has solicited proposals for reuse of the building and its site, but so far no proposal has been able to gain the approval of all the reviewing agencies, in particular, the Wisconsin Department of Natural Resources.

The Task Force recommends continued action to return this area as a vital and contributing part of the lakefront. The Task Force believes the 1.15 acre site is an appropriate location for a multipurpose public facility which enhances access to the lake and serves the visiting public in a structure with a minimum footprint relative to the size of the site. Ideally, efforts should be made to incorporate the historic Coast Guard building,

but this should not be an overriding criteria for reuse of the site. Any reuse should follow the policies described in Chapter III, particularly, policy 1.9 concerning parking.

The Task Force urges Milwaukee County to work on new approaches and solutions for reuse of this site consistent with this recommendation and to expedite a resolution of this problem.

- 1.7 **Lakefront Jitney.** The task force endorses the extension of transit service along Lincoln Memorial Drive. Based on past experience, it seems that regularly scheduled traditional bus service would not be successful. The task force therefore recommends that Milwaukee County explore alternative transit modes, such as soliciting proposals for a privately-operated seasonal jitney service, to meet the access needs in the corridor between the downtown transit center and Kenwood Boulevard.

## 2.0 **DOWNTOWN WATERFRONT.**

Diversity in ownership and use best describes this portion of the study area. It is a characteristic which reflects its location in and adjacent to the most intensively developed place in Wisconsin: Milwaukee's downtown.

The task force sees this diversity as an asset, desires to continue the existing diversity, and desires to have both the public and private activities in this sub-area share its benefits.

- 2.1 **Cultural Campus.** The proposed installation of The Children's Museum at O'Donnell Park adjacent to the War Memorial and Art Museum will establish a concentration of cultural facilities. County control of these sites provides unique opportunities for coordination among the facilities and the creation of a public image of the area as a secondary "cultural campus." To get the maximum advantage from this proximity and concentration, the following actions should be taken:

- a. The War Memorial Center, Art Museum, and The Children's Museum should collaborate on marketing, scheduling, joint use of facilities, and the development of the cultural campus image. Milwaukee County should encourage such collaboration. In particular, the museums and O'Donnell Park activities should have preferential use of meeting rooms at the War Memorial and meeting rooms in the museums and O'Donnell Park should be available to the veterans organizations serviced by the War Memorial. The institutions should consider the entire cultural campus as an appropriate site for their activities, not just the space within their own facilities' walls.
- b. To distribute cultural opportunities throughout the community, other areas should be considered first by any new or proposed museums,

cultural or educational facilities which are seeking sites. Museums or other cultural or educational facilities, with the sole exception of a maritime museum and/or schooner replica, should not be located east of Lincoln Memorial Drive.

- 2.1.1. **Art Museum Expansion.** Growth in its collection and programming has prompted the Milwaukee Art Museum to begin conceptual planning and design for the expansion of the museum building. This planning and design work should continue. The expansion studies should explicitly consider the museum's relationship to its surroundings; in particular, the studies should consider an area at least 350 feet out from each side of the existing building, the relationship of a new structure to the landmark War Memorial building, the view of the water's edge from the terrace level of O'Donnell Park, and the cultural campus approach described earlier. Any design developed for an expanded Art Museum should comply with the policies described in Chapter III.
- 2.1.2. **War Memorial/Museum Parking.** The Lake Terrace parking structure should be emphasized as the parking facility for all lakefront activities within walking distance (about two blocks or 700 feet) from its walls, thereby eliminating the need for other on-site parking. The existing surface lot across from the parking structure should eventually be removed.
- 2.1.3. **Children's Museum Expansion.** When the time comes and The Children's Museum considers expansion or relocation, the museum should consider sites off the lakefront.
- 2.2 **Urban Park.** The existing Urban Park site, between Michigan Street and Wisconsin Avenue (extended) and east of Lincoln Memorial Drive, should remain as open space.
- 2.3 **Cass-Michigan Renewal Project.** As part of this renewal project, the Redevelopment Authority of the City of Milwaukee (RACM) sold four parcels (called "outlots") in the 800 block of East Wisconsin Avenue to the real estate partnership which also owns the First Wisconsin Center. As a condition of that sale, the partnership and RACM would prepare a plan "for redevelopment of the outlots in conjunction with the adjacent property" of the partnership. The preparation of the required plan is underway. RACM and the partnership should ensure that the plan and any resulting development reflects Policy 3.1, that private development incorporate pedestrian and visual linkages to the water's edge, and Policy 3.5, that development projects be designed to high aesthetic and environmental standards.
- 2.4 **Milwaukee County Transit Center.** The County has built a downtown transit center immediately south of Michigan Street and

west of Lincoln Memorial Drive. The top of the center has been designed to respond to O'Donnell Park. Principles of the design follow those applied to O'Donnell Park, specifically to encourage and sustain year-round activity, to provide revenue to support programming, and to create links to the downtown and the lakefront. The street level bus marshaling facility will enhance access by extending transit service closer to the lakefront.

- 2.5 **Light Rail Route.** A light rail transit system has been proposed for metropolitan Milwaukee. Some of the alternative routes under consideration pass through or near the study area, particularly a route which would use the former Chicago & Northwestern Railroad right-of-way as a link between downtown and the UW-Milwaukee campus. Because light rail transit could significantly enhance the accessibility of the lakefront and riverfront, the task force endorses the development of light rail transit within the study area. (Also see recommendation 1.7 regarding transit.)

- 2.6 **Municipal Pier Lake Walk.** Large portions of the municipal pier are fenced and public access is restricted. These fences should be removed and a perimeter lake walk developed which provides locations for fishing and which connects with other pedestrian paths in the area. This recommendation does affect the Pieces of Eight leasehold but it is the opinion of the task force that nothing in the lease or the location of the restaurant building prohibits development of such a walkway. In fact, the "Pieces of Eight" lease contains a provision which explicitly states:

"TENANT acknowledges that the primary purpose of the instant lease is the convenience, accommodation and service of the public, and to enhance public access to and enjoyment of the Milwaukee port waterfront area; and TENANT covenants that during the term of the said lease, it will exert its best efforts to accommodate and serve the needs and requirements of the general public in all of these respects."

- 2.7 **Reuse of Port Office.** The administrative office of the Port of Milwaukee is currently located in a former ferry terminal building but will soon be relocated to Jones Island closer to port operations. The Harbor Commission has proposed that the municipal pier site be reused in a manner compatible with its surroundings.

- 2.7.1 The task force endorses the relocation of the administrative office to Jones Island.

- 2.7.2 The task force endorses the reuse of the municipal pier and ferry terminal building as a multi-user, public boating facility. Acceptable uses would include:

- docking for cross lake or other passenger ferries;
- docking for tour boats and excursion vessels, fishing charters, water taxis, and other water transportation services;
- a site for the construction and display of a replica Great Lakes Schooner; and
- facilities for recreational boaters, particularly visiting (transient) boaters.

To ensure that the reuse of the pier is compatible with the task force's vision of the lakefront, the task force recommends the following guidelines for its redevelopment:

- a. Pedestrian access to the water and around the pier should be maximized.
- b. Automobile parking should be limited. O'Donnell Terrace and other existing off-street parking should be encouraged for use by visitors to the pier. (See also policy 1.9.)
- c. The recreational boating facility should emphasize accommodating short duration stays by out-of-town boaters. (Some slips for area residents may be necessary to ensure the financial feasibility of the facility, however a majority of the slips should be for transient boaters.)
- d. Consistent with its focus on serving the broadest public and visitors from outside the Milwaukee area, the redevelopment of the pier should be funded as much as possible by sources other than the local property tax (for example, user fees, state and federal grants).

2.8 **Summerfest Leasehold.** Summerfest and the other events held at Maier Festival Park are significant community assets. The task force believes that these assets can be increased and spill-over benefits maximized by the following actions:

2.8.1 Improve public access. Paths around the perimeter of Henry Maier Festival Park should be open to public access. This includes:

- a. pedestrian, bicycle, and fishing access;
- b. access to the children's play area when festivals and special events are not operating;
- c. access to Harbor Island (also see Recommendation 2.9);
- d. access to the west side of the new lagoon, and
- e. access through the park via the Chicago Street "mall" when festivals and special events are not operating.

This does not include:

- a. access to festival stages, concession areas, or Marcus Amphitheater;
- b. automobile access (except handicapped parking); or,
- c. access at times when other City or County recreational facilities are closed (e.g. no 24-hour access).

The task force notes that this public access is explicitly required by the existing lease between the City/Harbor Commission and Milwaukee World Festival, Inc. (except for the east-west access via the Chicago Street mall) and by the most recent State lakebed grants to the City (1985 Wisconsin Act 327).

- 2.8.2 Improve exterior appearance. The Festival Park grounds are well landscaped and appealing. However, the fencing along the west side of the grounds is unattractive and sets a poor standard for nearby private property owners to follow. The fencing also visually isolates nearby private properties from the lakefront denying them the ability to emphasize and market their lakefront location. The existing fencing should be removed and new fencing designed and installed which provides security but is itself visually appealing and allows views of the lakefront and park interior.
- 2.8.3 Revise lease limits. The 1985 lease between City/Harbor Commission and Milwaukee World Festival, Inc. (MWF) requires modification as a result of landfilling and changes in city plans:
  - a. the MWF leasehold should be expanded to include the 1.2 acre "fillet" landfill which is contiguous to the existing leasehold; and
  - b. the provisions regarding public access in the existing lease should be amended to explicitly include public access via the Chicago Street "mall" as previously described.
- 2.9 **Harbor Island.** The new landfill "island" has the potential to be a major recreational amenity. To maximize that potential, the task force recommends that:
  - 2.9.1 The island be programmed for recreational, not "festival," use. In keeping with this programming, it is recommended that:
    - a. The island should not be included in the Milwaukee World Festival, Inc. leasehold; however, coordinated use of the island as a quiet respite from festival activity is encouraged.
    - b. Utilities on the island be minimized. Electric power for lighting and water for landscaping should be the minimum required for

safety and maintenance of the grounds.

- c. Moderate development of recreational facilities is acceptable. Playing fields for organized sports may be developed. Similarly, low capital facilities for fishing are encouraged.

2.9.2 The accessibility of the island be improved. It is recommended that:

- a. A pedestrian and bicycle bridge be developed at the Chicago Street mall extended. The task force recommends that the bridge be a low-tech bridge capable of opening to allow passage of boats with masts.
- b. A pedestrian and bicycle loop should be developed to maximize access to the water on both the lagoon and lake sides of the island.
- c. Use of the Harbor Island lagoon for recreational boating be allowed, subject to regulations by the Harbor Commission.

2.10 **Chicago/Jackson/Coachyards Area.** The parcels north of Chicago Street and the Italian Community Center (ICC)-owned "Coachyards" are unique in the study area in their size (21 acres) and development potential. Their locational advantages can be further enhanced by emphasizing their proximity to the lakefront. In particular:

2.10.1 In the near term, landscaping and pedestrian pathways should be installed which key off the improvements recommended for the Summerfest leasehold (recommendation 2.8). These improvements should present the properties as attractive and well maintained and should minimize the current perception of these parcels as a "no man's land" between the Festival Park and the Historic Third Ward.

2.10.2 To prepare for future development, the ICC should sponsor a study of alternative subdivision options for its holdings. These studies should assume development at densities comparable to the Historic Third Ward (roughly 100,00 sq. ft./acre) and a mix of possible development types.

2.10.3 All of the subdivision options for the Coachyards should include the extension of Jackson Street between Corcoran Avenue and Polk Street to improve vehicular access within and through the area. Additional street openings may be required by particular development patterns; however, Jackson Street is the only street extension necessary for areawide needs.

2.11 **Milwaukee River – East Bruce Street to North Water Street.** It is the desire of the task force to encourage boating on the river, pedestrian access to the water's edge, and a diversity of uses on the adjacent private lands. To achieve these ends, the task force:

2.11.1 Endorses the recommendations contained in the report Milwaukee RiverLink Guidelines for the areas identified as segments 10, 11 and 12



in the report. The City, DNR, and private property owners are urged to aggressively pursue the access improvements described in the report.

- 2.11.2 Recommends that the Mixed Activity (C9G) zoning district be expanded to cover the properties on both sides of the river in an area bounded by North Water Street, East Erie Street, South Water Street, and the Chicago & Northwestern rail line. This zoning district allows a wide range of office, retail, service, and manufacturing uses including marinas and other docking facilities.
- 2.11.3 Recommends that industrial zoning be retained on the properties on both sides of the river in the area bounded by South Water Street, North Harbor Drive extended, and East Bruce Street and the harbor entrance because of the existing character of the buildings and the industrial uses now in the area. The task force notes that marinas and docking facilities are permitted uses in the industrial zoning district.

### 3.0 **JONES ISLAND.**

Jones Island is the center of operations for the Port of Milwaukee and the site of a Milwaukee Metropolitan Sewerage District treatment plant. The task force endorses the efforts of the Harbor Commission to develop the port as a modern, efficient, multimodal transportation facility. To facilitate these efforts, the task force makes the following recommendations.

- 3.1 **Port Office Relocation.** The task force endorses the relocation of the Port headquarters office from the North Municipal Pier to Jones Island. This will produce operational efficiencies for the Port and greater convenience for Port tenants.
- 3.2 **Compatible Recreational Use.** The Task Force believes the Port must not be hampered in its mission to supply efficient transportation and distribution services to our region, an effort which enhances the economic growth of greater Milwaukee and provides substantial minority employment.

In the past, the public has had essentially unrestricted access to the commercial Port for recreational purpose, in particular fishing south of Terminal 4 underneath I-794 (Hoan Bridge).

Few conflicts have arisen between the fishing activity and Port operations. However, there is a well-documented and marked increase in vandalism to Jones Island facilities, thefts of tenant equipment, and violent personal altercations (principally between non-Port related people). These incidents jeopardize the Port's reputation as a safe and theft-free operation which is one of its primary stocks-in-trade, and threatens the operations of tenants. Tenants and the Port are, as well, concerned about growing liabilities for accidents on leaseholds that

result from the Port's current liberal public access policy.

The Board of Harbor Commissioners has determined it to be necessary to restrict public access to the Port area; and have stated its wish to do so in a way that will allow legitimate fishermen limited access to portions of Jones Island. The Task Force supports access for the fishermen and recommends a study be sponsored by the Port to address the locations, times and conditions under which such limited use by fishermen might be permissible.

The Task Force also recommends the Police Department actively increase their presence in the Port area during summer months in order to keep the rate of incidents low, as the best means of maximizing access for fishermen.

- 3.3 **Kaszube Memorial.** The City's Recreational Facilities Division maintains a small (0.1 acre) vest pocket park at 1421 South Carferry Drive as a memorial to the Kaszubes, European immigrants who were early settlers of Jones Island. The site is almost inaccessible to the public. The task force recommends that the memorial be relocated where it can receive greater public use and where it can serve as a more visible memorial to the Kaszubes. (The analysis of a suitable site for this park can be made an element of the study recommended under 3.2 above.)

- 3.4 **Confined Disposal Facility.** Dredging is required to maintain water depths sufficient to allow ships to dock at the Port. The dredged material (called "spoil") is currently placed in a landfill at the southern end of Jones Island. This landfill, called the "Confined Disposal Facility" or "CDF," is operated by the U.S. Army Corps of Engineers. The CDF has sufficient capacity for the next 10 years. After that, the CDF may be available for alternative use.

The CDF is part of the lakebed grants received by the City and under the jurisdiction of the Board of Harbor Commissioners. The Board of Harbor Commissioners has expressed a desire to retain the site for possible Port expansion. Development of the CDF as a recreational site has also been suggested, and it has been designated as a park site in Milwaukee County and regional plans.

The CDF will remain in its present use during the 10-year period covered by this plan. During this period, the Port will continue to explore a range of expansion options, some of which do not include use of the CDF. Issues affecting the CDF itself, such as what should be done with dredging spoil after the existing CDF is filled and what limitations contaminants in the spoil may place on reuse of the CDF, will be investigated by federal, state and local agencies, particularly as part of the Milwaukee Estuary Remedial Action Plan being prepared by the

Wisconsin Department of Natural Resources.

For these reasons, the Task Force does not recommend a particular reuse for the CDF at this time. Given the high potential value of this site for recreational and port purposes, the Task Force recommends that during the next ten years the issues affecting the CDF be closely monitored and, when a more certain schedule for closing the CDF is known, then an evaluation of the reuse options be made with broad public input.

- 3.5 **Sea Scouts Pier.** The Sea Scouts, a program of the Boy Scouts of America, use a pier adjacent to the Kinnickinnic River flushing tunnel inlet at East Russell Avenue for its program. This area is under lease to the U.S. Navy. Fishermen have asked the Board of Harbor Commissioners that they also be allowed to use the pier. The Task Force recommends that this request also be included in the recreational use study previously recommended (recommendation 3.2.). In any event, the priority claim of the Sea Scouts on this leasehold needs to be recognized and their operations should not be unduly impacted. The Sea Scouts should be encouraged to expand their program as a mechanism to introduce young people to waterfront oriented activities, expanding lakefront use.
- 3.6 **Commercial Port Property.** The Task Force recognizes and acknowledges the leadership of the Board of Harbor Commissioners which has given over generous amounts of commercial Port property to recreational activities. As well, the Board has developed green belt space to soften the transition between the community of Bay View and the industrial zone of the Port area, further adding to the community's quality of life. Because of this, Port expansion options are very limited. Therefore, potential expansion properties on the Kinnickinnic River are being investigated. The Task Force endorses the identification and reservation of sites for commercial Port use.

#### 4.0 **SOUTHSIDE PARKS.**

This part of the study area is composed of County and City property. The majority of the land is included in two County parks: South Shore Park and the portion of Bay View Park which is with the City of Milwaukee. The City of Milwaukee owns the site of the Texas Avenue Water Intake and Pumping Station which is operated by the Milwaukee Water Works. These facilities also suffered from the erosion caused by high lake levels. Some shoreline rehabilitation has been accomplished, notably a joint Sewerage District-Parks Department project from the Kinnickinnic Flushing Tunnel inlet at approximately Russell Avenue to the north end of the South Shore Yacht Club parking lot at Iron Street. Rehabilitation is underway south of the Park

Pavilion, including restoration of washed-out portions of the lakeshore bike trail.

- 4.1 **Shoreline Stabilization.** The task force endorses the shoreline stabilization plans of the Milwaukee County Parks Department and urges their prompt implementation. These concept plans generally call for regrading the existing rubble shoreline and installation of new shore protection. The shoreline bike trail should be maintained throughout the area. Note that the following recommendation (4.2) calls for provisions for fishing to be added to the plans.
- 4.2 **Fishing.** Recreational fishermen currently fish from many locations in this sub-area and it features one of the two fish-cleaning stations on the entire lakefront. (The station is near the South Shore Yacht Club. The other station is near the McKinley Marina boat launch.) The task force recommends that the use of the shoreline by fishermen be explicitly considered and facilitated in the detailed design of the stabilization improvements. For example, some of the armor stone should be positioned to provide a level standing place for casting. Also, a series of groins extending into the lake south of Texas Avenue now used for fishing should be retained.
- 4.3 **Texas Avenue Pumping Station.** As with the other Water Works facilities on the lakefront, the Texas Avenue station has potential for compatible recreational use. The County's "76" bike trail currently crosses the property. It is recommended that the Water Works cooperate fully, including cost sharing when its property is involved, with the County's shoreline stabilization project. The Texas Avenue site should be explicitly considered in the study of compatible recreational use previously recommended. (See recommendation 1.2.)
- 4.4 **Lakefront Zoning.** In 1988, the City established a lakefront zoning district (LF/C/60) to protect the northside lakefront parklands. Similar ownership and types of uses exist in this sub-area. It is therefore recommended that the existing multifamily residential zoning districts (R/B/85 & R/B/40), R/D/40) now covering these southside parklands be replaced with the lakefront zoning district.

## 5.0 **GENERAL RECOMMENDATIONS.**

There are certain concerns which are not specific to a particular location on the lakefront or which affect several locations. Based on its consideration of these concerns, the task force makes the following recommendations.

- 5.1 **Water Quality.** The quality of the water within and adjacent to the study area has a direct relationship to the policies and actions which are recommended in this plan. Enhancing access makes little sense if

the water is too polluted for public contact. Facilitating fishing is inconsistent policy if anglers are then warned that their catch is too contaminated to eat.

These are current concerns in the study area. The beach at South Shore Park was closed three times during the summer of 1989 and four times during the summer of 1990 because of high levels of bacteria in the water. Fish caught in the study area are subject to various "consumption advisories" due to contamination by polychlorinated biphenyls (PCBs) and pesticides. There is underway in the study area the first stage of a pollution abatement program. Known as the "Milwaukee Estuary Remedial Action Plan (RAP)," the effort is staffed by the Wisconsin Department of Natural Resources and guided by citizen and technical advisory committees. The task force strongly endorses the RAP as the best method for achieving the improvement in area water quality which is essential to its vision of the future of the study area. The task force recommends that citizens and public agencies fully and affirmatively cooperate with the work of the RAP as it completes its analysis and recommends specific remedial actions.

- 5.2 **Public Trust Doctrine.** "...the navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways and forever free, as well to the inhabitants of the state as to the citizens of the United States, without any tax, impost or duty therefore." These words, embodied in Article IX of the Wisconsin Constitution, are the source of the public trust doctrine. Courts, in interpreting the doctrine, have characterized it as "...a title held in trust for the people of the state that they may enjoy the navigation of the waters, carry on commerce over them, and have liberty of fishing therein freed from the obstruction or interference of private parties." The courts have determined that the doctrine applies to lands created by landfill from navigable waterways and to waterways and filled lands transferred by grants from the State to other levels of government. Much of Milwaukee's lakefront park and harbor lands are on landfill subject to the public trust doctrine. Periodically questions arise as to whether those lands are being used in a manner consistent with the public trust. The task force spent considerable time discussing the doctrine as it applies to the lakefront park and harbor lands and offers the following recommendations.

- 5.2.1 Conference. Concern has been expressed that the Wisconsin Departments of Natural Resources and Justice and the Office of the Public Intervenor interpret the doctrine more restrictively than do agencies in the other Lake Michigan states. The task force recommends that the City, County and other interested parties sponsor a conference

to determine whether there are differences in interpretation, the nature of those differences, and the rationale behind any differences.

5.2.2 **Adopted Procedures.** The State Legislature has granted lakebed public trust lands to the City and the County. The Board of Harbor Commissioners exercises initial jurisdiction over the City lands. The County Board Committee on Parks, Recreation and Culture exercises initial jurisdiction for the County. To allow for an early and formal consideration of the public trust, it is recommended that the Board of Harbor Commissioners and Committee on Parks, Recreation and Culture adopt procedures which require a formal hearing on the public trust implications of any change in use on granted lands or lease of granted lands for other than Port purposes. Such explicit consideration of the public trust would better inform the Board's and Committee's decision making, reassure the citizenry that the public trust doctrine had been explicitly considered, and establish a record and rationale for their decisions which may later be used in defense of any challenge in court to their decisions.

5.2.3 **Restaurants.** The task force determined that food service is an essential ingredient in an attractive lakefront. This is particularly true in Milwaukee where the large expanses of public land, the distances between the water's edge and the closest private lands, and physical obstacles, such as the bluffs, require that food service be provided on public land if it is to be convenient to visitors. Some concerns have been expressed regarding a proliferation of restaurants on the lakefront, that restaurants do occupy some land which is made unavailable for other uses, and whether restaurants are compatible with the public trust doctrine. The task force believes these concerns can be addressed by limiting by policy the number and location of food service facilities on lakefront public lands. Table 1 illustrates the sites and types of facilities which meet the goals of encouraging public convenience while discouraging proliferation. The task force recommends that the City and County use Table 1 as a guide when evaluating proposals for food service facilities and that additional facilities not on the list be disapproved. (The development of food service facilities on private land is explicitly left to the existing zoning regulations applicable to those private lands.)

5.3 **Fishing.** Milwaukee's lakefront has long been a popular fishing location. Special provisions to enhance fishing have been made at several places: the U.S. Army Corps of Engineers breakwater walkway and nearby fish-cleaning station at McKinley Marina, the Marcus Amphitheater lake walk, the South Shore Park fish-cleaning station, a fishing pier for the handicapped at South Shore Park, an observation

and fishing area at McKinley Beach, and fish stocking at Veterans Park Lagoon. The task force believes additional actions to improve fishing opportunities in the study area should be taken. Location-specific actions have been described previously. General recommendations are:

- 5.3.1 Fishing enhancements should be explicitly considered whenever lakefront and riverwalk improvements are made. It should be noted that the general types of enhancements are not regarded as major, independent capital projects. Instead, they are regarded as modifications in project design, such as the terracing of stone or use of stair-step gabions to provide casting sites. Similarly, a small number of parking places at fishing sites should be provided when possible for handicapped anglers and for holders of DNR senior citizen fishing permits.
- 5.3.2 The City and County should regularly consult with the DNR Southeastern District fishing management staff to better reflect and integrate fishing in City and County recreation plans.
- 5.3.3 Following completion of the recreational joint use studies recommended for the Port of Milwaukee and Water Works properties in the area, the City, County and DNR should collaborate on a pamphlet-type guide to fishing on the Milwaukee lakefront similar in style and content to the guides distributed by the County on swimming, golf, and bike trails. The guide should include information on fish consumption advisories.
- 5.4 **Continuous Pathways.** Previous recommendations have endorsed the development of pedestrian and bicycle pathways in individual subareas. The task force emphasizes that these pathways should be part of a continuous and coordinated network. The pathways on City land should link with the pathways on County lands. Similar construction standards should be used for both and similar use regulations should apply to both City and County facilities.
- 5.5 **Coordination.** It has been said that "the lakefront belongs to everyone." It often appears that "everyone" is in charge of lakefront policy and management as well. The task force has found that, in fact, the actual practice is less complex. At the County, the elected officials set policy with the Parks, Culture and Recreation Committee of the Board of Supervisors having the lead role; the Department of Parks, Recreation and Culture manages the lakefront parks and does park planning. Other "County" operations, such as the Art Museum, have a lessee/lessor relationship to the County Board.

At the City, the very specific purposes for which lakefront land is held has produced two separate operating agencies. The Port of Milwaukee

and the Water Works are the two City agencies with land management responsibilities. While both are arms of City government, both also have unique status: the Board of Harbor Commissioners has specific powers and duties pursuant to section 30.38, Wisconsin Statutes, and the Water Works is a regulated utility created pursuant to section 66.071, Wisconsin Statutes. Policy guidance is provided by elected City officials directly in the case of the Water Works and indirectly through the Board of Harbor Commissioners in the case of the Port. The Department of City Development provides planning assistance. To foster coordination among these parties, the task force recommends the following actions:

- 5.5.1 Plan Adoption. As a City plan, this document should receive formal adoption by the Board of Harbor Commissioners, City Plan Commission, and Common Council. The plan should also be sent to the County with the request that the County use it as a planning guide. (Chapter VI describes the actions taken by the City of Milwaukee and Milwaukee County.)
- 5.5.2 Interjurisdictional and Interagency Communication. Communication between levels of government and government agencies has been strong during this study. The task force recommends that this communication continue on a regular, formal and continuous basis and include the City, County, Wisconsin Department of Natural Resources and interested citizens. The Task Force recommends that the Department of City Development prepare a detailed proposal in cooperation with Milwaukee County for a formal mechanism to facilitate the ongoing exchange of ideas and concerns on lakefront issues.
- 5.5.3 Cooperative Study on Recreational Boating. During this study, both the City and County undertook separate studies of boating facilities or marinas. It is recommended that the various levels of government join in a study to refine and coordinate the results of their individual studies. This study should explicitly consider the different types of boating facilities and the demand for each, jurisdictional issues, and operation and management issues.



**Table 1**  
Existing and Planned Food Service Facilities

<u>Name/Location</u>	<u>Type</u>	<u>Status</u>	<u>Public Trust</u>
Lake Park Pavilion	F/Q	P	N
Bradford Beach	F	E	Y
Northpoint	F	E	Y
McKinley Beach	F	P	Y
Roundhouse	F	E	Y
Coast Guard Station	F/Q	P	Y
McKinley Marina	F/Q	P	Y
Veterans Park	S	E	Y
Art Museum	Q	E	Y
O'Donnell Park	F/Q	P	N
Urban Park	F	E	Y
Pieces of Eight	Q	E	Y
Maier Park	S	E	Y
South Shore Pavilion	F/Q	P	N*

Notes

Type: F = fast food restaurant

Q = quality restaurant

S = temporary food service for public special events:

These public facilities may be used on occasion for private events,  
pursuant to established procedures for permit or rental.

Status: P = proposed

E = existing

Public Trust: N = not on lakebed landfill, public trust doctrine not applicable.

Y = located on lakebed landfill, public trust doctrine applicable.

\* = additional analysis needed to authoritatively determine public  
trust involvement.